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 CITY AND COUNTY OF SAN FRANCISCO; and  
 DR. GRANT COLFAX, an individual, in his official capacity as  
 Director of the San Francisco Department of Public Health

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL FUR TRADE  
 FEDERATION, an unincorporated association,

Plaintiff,

vs.

CITY AND COUNTY OF SAN  
 FRANCISCO; and DR. GRANT COLFAX, an  
 individual, in his official capacity as Director  
 of the San Francisco Department of Public  
 Health,

Defendants.

Case No. 3:20-cv-00242-RS

**REQUEST FOR JUDICIAL NOTICE IN  
 SUPPORT OF DEFENDANTS' MOTION TO  
 DISMISS FIRST AMENDED COMPLAINT FOR  
 DECLARATORY AND INJUNCTIVE RELIEF**

Hearing Date: July 2, 2020  
 Time: 1:30 p.m.  
 Place: Honorable Judge Richard Seeborg  
 United States District Court  
 Courtroom 3 – 17th Floor  
 450 Golden Gate Avenue  
 San Francisco, CA 94102

Action Filed: January 13, 2020  
 Trial Date: None set.

Attached documents: Exhibits A - B

THE HUMANE SOCIETY OF THE UNITED  
 STATES and ANIMAL LEGAL DEFENSE  
 FUND,

Defendant-Intervenors.

Defendants City and County of San Francisco, *et al.*, hereby respectfully request, pursuant to Federal Rule of Evidence 201, that this Court take judicial notice of the following materials in support of their Motion to Dismiss the First Amended Complaint.

1. Attached hereto as **Exhibit A** is a true and correct copy of Article 1D of the San Francisco Health Code, entitled “Animal Fur Products.” As of April 29, 2020, the San Francisco Health Code is available in full on the American Legal Website, [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_health/0-0-0-2](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_health/0-0-0-2).

2. Attached hereto as **Exhibit B** is a true and correct copy of the publicly available webpage maintained by the San Francisco Department of Public Health entitled “Animal Fur Products Frequently Asked Questions.” As of April 29, 2020, this webpage is available at <https://www.sfdph.org/dph/EH/AnimalFur/faq.asp>.

Each of these exhibits is a matter of public record and is therefore subject to judicial notice. Fed. R. Evid. 201(b); *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001) (a court may judicially notice matters of public record unless the matter is a fact subject to reasonable dispute).

**Exhibit A** is judicially noticeable because it is a portion of the San Francisco Health Code, and it reflects changes to city law enacted by ordinance. Portions of the municipal code are proper subjects of judicial notice under Rule 201. *San Francisco Baykeeper v. West Bay Sanitary Dist.*, 791 F. Supp. 2d 719, 731-32 (N.D. Cal. 2011). In addition, “[m]unicipal ordinances are proper subjects for judicial notice.” *Tollis, Inc. v. Cty. of San Diego*, 505 F.3d 935, 938 n. 1 (9th Cir. 2007); *Santa Monica Food Not Bombs v. City of Santa Monica*, 450 F.3d 1022, 1052 n. 2 (9th Cir. 2006); *see also Rabkin v. Dean*, 856 F. Supp. 543, 546 (N.D. Cal. 1994) (“The Court may take judicial notice of city charters, city ordinances and resolutions, and the contents and legislative history of a proposed city ordinance or resolution.”).

**Exhibit B** is judicially noticeable because government memoranda and statements like this are matters of public record appropriate for judicial notice. *See Brown v. Valoff*, 422 F.3d 926, 933 n.9 (9th Cir. 2005) (taking judicial notice of administrative bulletin); *Calif. Sportfishing Prot. All. v. Chico Scrap Metal, Inc.*, 124 F. Supp. 3d 1007, 1016 (E.D. Cal. 2015) (“Government records are susceptible to judicial notice when ‘relevant to an[] issue’ before the court.”) (quoting *Flick v. Liberty Mut. Fire*

1 *Ins. Co.*, 205 F.3d 386, 392 n. 7 (9th Cir. 2000)). Courts have taken judicial notice of similar official  
 2 “Frequently Asked Questions” documents regarding local government ordinances. *See Calop*  
 3 *Business Sys., Inc. v. City of Los Angeles*, 984 F. Supp. 2d 981, 992-93 (C.D. Cal. 2013) (taking  
 4 judicial notice of “Frequently Asked Questions” document regarding city ordinance); *Helicopters for*  
 5 *Agric. v. Cty. of Napa*, No. C 18-06124 WHA, 2019 WL 6250907, \*3 (N.D. Cal. Nov. 22, 2019)  
 6 (taking judicial notice of “Frequently Asked Questions” document regarding local initiative measure).  
 7 This exhibit is also judicially noticeable because it has been posted to an official government website.  
 8 *See Daniels-Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998-99 (9th Cir. 2010) (judicially noticing  
 9 information contained on a government website); *Paralyzed Veterans of Am. v. McPherson*, No. C 06-  
 10 4670 SBA, 2008 WL 4183981, at \*5 (N.D. Cal. Sept. 9, 2008) (finding that courts commonly take  
 11 judicial notice of information and documents on government websites, and citing cases from various  
 12 jurisdictions).

13  
 14 Dated: May 4, 2020

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20 By: /s/Aileen M. McGrath  
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